Single Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

REVIEW PETITION No. 29 OF 2006

APPLICANT

1. Chhattisgarh Rajya Krishi Vipanan Board Raipur, Chhattisgarh (A body corporate under the provisions Of Chhattisgarh Krishi Upaj Mandi Adhiniyam) Through Managing Director Chhattisgarh Rajya Krishi Vipanan Board, Raipur, Chhattisgarh

2. Deputy Secretary, Chhattisgarh Rajya Krishi Vipanan Board, Raipur, Chhattisgarh

P.R. No. 2042/06 Presented by Shri Sanjay Dubey dated 26/9/06

V E R S U S

RESPONDENTS

1. Presiding Officer Labour Court (Under Industrial Disputes Act) Rajnandgaon, Chhattisgarh

2. President, Krishi Upaj Mandi Karmchari Sangh, Branch Khairagarh Rajnandgaon, Chhattisgarh

3. Bharsadhak Officer, Krishi Upaj Mandi Samiti, Khairagarh, District Rajnandgaon

4. Manoj Soni S/o Late Shri B.L.Soni Aged about 43 years R/o Sunarpara, Khairagarh District Rajnandgaon, Chhattisgarh

5. Mohammad Kadir Qureshi S/o Mohammad Zaheer Qureshi Aged about 43 years, R/o Thakurpara Khairagarh, District Rajnandgaon Chhattisgarh

6. Ravi Namdeo S/o Shri Shrawan Kumar Namdeo Aged about 35 years, R/o Itwari Bazar, Khairagarh District Rajnandgaon, Chhattisgarh

7. Secretary, Krishi Upaj Mandi Samiti Khairagarh, District Rajnandgaon

APPLICATION FOR REVIEW OF THE JOINT ORDER PASSED BY HON'BLE HIGH COURT (HON'BLE JUSTICE SHRI S.K.AGNIHOTRI) DATED 27/07/2006 IN WRIT PETITION NO. 1403/2003.

36

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

Review Petition No. 21 of 2006

(Review sought for the order dt. 27.7.2006 in W.P.No. 1379/2003)

Petitioner : Chhattisgarh Rajya Krishi Vipanan Board, Raipur & another

Versus

Respondents : Presiding Officer, Labour Court & others

Review Petition No. 28 of 2006

(Review sought for the order dt. 27.7.2006 in W.P.No. 1404/2003)

Petitioner : Chhattisgarh Rajya Krishi Vipanan Board, Raipur & another

Versus

Respondents : Presiding Officer, Labour Court & others

Review Petition No. 29 of 2006

(Review sought for the order dt. 27.7.2006 in W.P.No. 1403/2003)

Petitioner : Chhattisgarh Rajya Krishi Vipanan Board, Raipur & another

Versus

Respondents : Presiding Officer, Labour Court & others

Review Petition No. 24 of 2006

(Review sought for the order dt. 27.7.2006 in W.P.No. 1402/2003)

Petitioner : Chhattisgarh Rajya Krishi Vipanan Board, Raipur & another

Versus

Respondents : Presiding Officer, Labour Court & others

Shri Ranbir Singh Marhas, Advocate for the review petitioners.

Shri Amit Verma for the respondent No.2.

O R D E R

(Passed on this 13th day of December, 2006)

1. The present applications filed by the Chhattisgarh Rajya Krishi Vipanan Board, Raipur and its Deputy Secretary, seek a review of the order dated 27th July, 2006 passed by this Court in

37

W.P.No.s 1379/2003, 1404/2003, 1403/2003 and 1402/2003 on the ground that they were not impleaded as party before the Labour Court as well as before this Court.

2. With the consent of the parties, the matter is heard finally and all the four Review Petition No.s 21, 28, 29 and 24 of 2006, are being disposed of by this common order, as they have been filed against the common order dt. 27th July, 2006 passed by this Court and the points raised and grounds urged in the review petitioners are one and the same.

3. The review petitioners would submit that there are certain Rules which are applicable to the employees involved in the present cases, but ultimately the decision passed by this Court may not be altered in view of the fact that the employees were not appointed in accordance with the constitutional scheme.

4. Be that as it may, the necessary impleadment should have been made before the Labour Court. The Labour Court had passed the order after considering relevant pleadings and documents placed on record. This Court, in its jurisdiction under Article 226 of the Constitution of India has considered the entire case on facts as well as on the aspect of procedural irregularity, infirmity and illegality in the order passed by the Labour Court and the matter was accordingly dismissed.

5. In view of the foregoing, the proper case is not made out for reviewing the order in accordance with the requirements for review of an order as per law. The Review Petition No.s 21, 28, 29 and 24 of 2006 are accordingly dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur